

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VICTOR PARRA,) Civil No. 08-0472-J(LSP)
)
Petitioner,)
) ORDER REGARDING FURTHER
v.) BRIEFING
)
JAMES TILTON,)
)
Respondent.)

On June 5, 2008, the Court granted Petitioner's Motion to Hold Federal Habeas Petition in Abeyance. The Court construed the Motion to be a Motion to Stay and Abey and stayed the Petition. On June 9, 2008, the Ninth Circuit Court of Appeal issued its decision in Butler v. Curry __F.3d__, No. 07-56204 (9th Cir., June 9, 2008), 2008 WL 2331440.

In light of Butler, the Court orders Petitioner and Respondent to file further briefing on whether the stay granted by this Court is necessary or appropriate.

Therefore, on or before July 13, 2008, Respondent shall file an Amended Answer to the Petition for Writ of Habeas Corpus which shall include all arguments regarding whether the stay in this case

1 is necessary or appropriate, all arguments pertaining to tolling of
2 the statute of limitations, and all arguments on the merits of the
3 Petition.

4 On or before August 14, 2008, Petitioner may file a Traverse
5 to Respondent's Amended Answer, which shall include all arguments
6 regarding whether the stay in this case is necessary or appropriate,
7 all arguments pertaining to tolling of the statute of limitations,
8 and all arguments on the merits of the Petition.

9 On or before July 13, 2008, Respondent shall provide to
10 Petitioner a copy of the Butler opinion.

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12 DATED: June 12, 2008

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17 Hon. Leo S. Papas
U.S. Magistrate Judge